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Promotion and protection of the rights of children

Report of the Third Committee

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I. Introduction

1. At its 2nd plenary meeting, on 17 September 2004, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-ninth session the item entitled "Promotion and protection of the rights of children" and to allocate it to the Third Committee.

2. The Committee considered the item at its 16th to 21st, 29th, 33rd, 46th and 52nd meetings, from 18 to 21 and on 28 October, and on 1, 18 and 23 November 2004. At its 16th to 21st meetings, it held a general discussion on the item. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/59/SR.16-21, 29, 33, 46 and 52).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Committee on the Rights of the Child;[1]

(b) Report of the Secretary-General on the status of the Convention on the Rights of the Child (A/59/190);

(c) Report of the Secretary-General on the follow-up to the United Nations special session on children (A/59/274);

(d) Report of the Secretary-General on the comprehensive assessment of the United Nations system response to children affected by armed conflict (A/59/331);

(e) Report of the Special Representative of the Secretary-General for Children and Armed Conflict (A/59/426);

[1] *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 41* and corrigendum and addendum (A/59/41 and Corr.1 and Add.1).

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(f) Letter dated 26 July 2004 from the representatives of Colombia, Myanmar, Nepal, the Philippines, Sri Lanka, the Sudan and Uganda to the United Nations addressed to the Secretary-General (A/59/184-S/2004/602).

4. At the 16th meeting, on 18 October, introductory statements were made by the Under-Secretary-General for Internal Oversight Services, the Under-Secretary-General and Special Representative of the Secretary-General for Children and Armed Conflict, the Deputy Executive Director of the United Nations Children's Fund and the Director of the New York Office of the United Nations High Commissioner for Human Rights (see A/C.3/59/SR.16).

5. At the same meeting, the Committee engaged in a question-and-answer session with the above-mentioned speakers, in which the delegations of Malaysia, Senegal, the Netherlands (on behalf of the States Members of the United Nations that are members of the European Union), the Syrian Arab Republic, Côte d'Ivoire, Uganda, the Philippines, Colombia, Canada and Palestine took part (see A/C.3/59/SR.16).

6. At the 17th meeting, on 18 October, the independent expert for the United Nations study on violence against children made a statement (see A/C.3/59/SR.17).

7. At the same meeting, the representatives of the Netherlands and Cuba participated in a dialogue with the independent expert (see A/C.3/59/SR.17).

II. Consideration of proposals

A. Draft resolution A/C.3/59/L.28

8. At the 29th meeting, on 28 October, the representative of Egypt, on behalf of Algeria, Bahrain, Bangladesh, Belize, Brunei Darussalam, China, Cuba, Djibouti, Egypt, Indonesia, the Islamic Republic of Iran, Iraq, Jordan, Kuwait, Lebanon, the Libyan Arab Jamahiriya, Malaysia, Mali, Mauritania, Morocco, Namibia, the Niger, Oman, Pakistan, Qatar, Saudi Arabia, Senegal, South Africa, the Sudan, Tunisia, the United Arab Emirates, Yemen, Zimbabwe and Palestine, introduced a draft resolution (A/C.3/59/L.28), entitled "The situation of and assistance to Palestinian children". Subsequently, Barbados, Burkina Faso, the Comoros, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, Malawi, Nigeria, Somalia and the Bolivarian Republic of Venezuela joined in sponsoring the draft resolution.

9. At the 46th meeting, on 18 November, the representative of Egypt made a statement in regard to the draft resolution (see A/C.3/59/SR.46).

10. Also at its 46th meeting, the Committee adopted draft resolution A/C.3/59/L.28 by a recorded vote of 105 to 5, with 61 abstentions (see para. 35, draft resolution I). The voting was as follows:[2]

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bhutan, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi,

[2] The delegations of Nepal and Bolivia subsequently indicated that, had they been present during the voting, they would have voted in favour of the draft resolution.

Cambodia, Cape Verde, Chile, China, Congo, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guinea, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Philippines, Qatar, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel, Marshall Islands, Micronesia (Federated States of), Palau, United States of America.

Abstaining:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Cameroon, Canada, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Monaco, Netherlands, New Zealand, Norway, Papua New Guinea, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Rwanda, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay.

11. Before the adoption of the draft resolution, statements were made by the representatives of the United States of America, Turkey and Israel; after the adoption of the draft resolution, statements were made by the representatives of the Russian Federation, the Netherlands (on behalf of the States Members of the United Nations that are members of the European Union), Norway and the observer for Palestine (see A/C.3/59/SR.46).

B. Draft resolution A/C.3/59/L.29 and Rev.1 and amendments contained in documents A/C.3/59/L.81 and A/C.3/59/L.83

12. At the 33rd meeting, on 1 November, the representative of Argentina, on behalf of Argentina, Austria, Belgium, Belize, Brazil, Chile, Colombia, Costa Rica, Croatia, Cuba, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Germany, Greece, Guatemala, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Mexico, Monaco, the Netherlands, Nicaragua, Norway, Panama, Paraguay, Peru, Poland, Portugal, the Republic of Moldova, Romania, Saint Vincent and the Grenadines, Slovakia, Slovenia, Spain, Sweden, the United Kingdom of Great Britain and Northern

Ireland, Uruguay and the Bolivarian Republic of Venezuela, introduced a draft resolution (A/C.3/59/L.29) entitled "Rights of the child", which read as follows:

"*The General Assembly*,

"*Recalling* its previous resolutions on the rights of the child, the most recent of which is resolution 58/157 of 22 December 2003, as well as Commission on Human Rights resolution 2004/48 of 20 April 2004,

"*Emphasizing* that the Convention on the Rights of the Child must constitute the standard in the promotion and protection of the rights of the child, and bearing in mind the importance of the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography, as well as other relevant human rights instruments,

"*Reaffirming* that the general principles of, inter alia, the best interests of the child, non-discrimination, participation and survival and development provide the framework for all actions concerning children, including adolescents,

"*Welcoming* the entry into force on 25 December 2003 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,

"*Reaffirming* the outcome document of the special session of the General Assembly on children, entitled 'A world fit for children', and the commitments contained therein to promote and protect the rights of each child, every human being below the age of 18 years, including adolescents, and the integration of child rights issues into the outcome documents of all major United Nations conferences, special sessions and summits,

"*Welcoming* the reports of the Secretary-General on the status of the Convention on the Rights of the Child and on progress achieved in realizing the commitments set out in the document entitled 'A world fit for children',

"*Welcoming also* the work of the Committee on the Rights of the Child in examining the progress made by States parties to the Convention in implementing the obligations undertaken in the Convention and in providing recommendations to States parties on the implementation of the Convention and, in cooperation with the Office of the United Nations High Commissioner for Human Rights, in enhancing awareness of the principles and provisions of the Convention,

"*Profoundly concerned* that the situation of children in many parts of the world remains critical as a result of the persistence of poverty, social inequality, inadequate social and economic conditions in an increasingly globalized economic environment, pandemics, in particular HIV/AIDS, malaria and tuberculosis, environmental damage, natural disasters, armed conflict, displacement, exploitation, illiteracy, hunger, intolerance, discrimination, gender inequality, disability and inadequate legal protection, and convinced that urgent and effective national and international action is called for,

"Implementation of the Convention on the Rights of the Child and the Optional Protocols thereto on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography

"1. *Urges* States that have not yet done so to sign and ratify or accede to the Convention on the Rights of the Child as a matter of priority, and urges States parties to implement it fully, while stressing that the implementation of the Convention and the achievement of the goals of the World Summit for Children and the special session of the General Assembly on children are mutually reinforcing;

"2. *Expresses its concern* about the great number of reservations to the Convention, and urges States parties to withdraw reservations that are incompatible with the object and purpose of the Convention and to consider reviewing other reservations with a view to withdrawing them;

"3. *Urges* States that have not yet done so to consider signing and ratifying or acceding to the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography, and urges States parties to implement them fully;

"4. *Urges* States parties to take all appropriate measures for the implementation of the rights recognized in the Convention by, inter alia, putting in place effective national legislation, policies and action plans and by strengthening relevant governmental structures for children, ensuring adequate and systematic training in the rights of the child for professional groups working with and for children, and encourages States to strengthen their national statistical capacities;

"5. *Encourages* States to strengthen their partnership with United Nations organs, within their respective mandates, the Bretton Woods institutions and other multilateral agencies, and affirms the important role of international cooperation for the purposes of the promotion and protection of the rights of the child, in particular with regard to economic, social and cultural rights;

"6. *Calls upon* States to strengthen their cooperation with the Committee on the Rights of the Child, to comply in a timely manner with their reporting obligations under the Convention and the Optional Protocols thereto, in accordance with the guidelines elaborated by the Committee, and to take into account the recommendations made by the Committee in the implementation of the provisions of the Convention;

"7. *Notes* the Committee's ongoing efforts to reform its working methods so as to consider reports of States parties in a timely manner;

"8. *Calls upon* all States and relevant actors concerned to continue to cooperate with the special rapporteurs and special representatives of the United Nations system in the implementation of their mandates;

"9. *Requests* all relevant organs of the United Nations system, the Office of the United Nations High Commissioner for Human Rights and United Nations mechanisms regularly and systematically to incorporate a strong child rights perspective as well as a gender perspective throughout all

activities in the fulfilment of their mandates, as well as to ensure that their staff is trained in child protection matters, and calls upon States to cooperate closely with them;

"Promoting and protecting the rights of children and non-discrimination against children, including children in particularly difficult situations

"Identity, family relations and birth registration

"10. *Urges* all States to intensify their efforts in order to ensure the implementation of the right of the child to birth registration, preservation of identity and family relations, as recognized by law, by:

"(a) Providing simplified, expeditious, effective and free procedures for birth registration;

"(b) Raising awareness at the national, regional and local levels, whenever necessary, on the importance of birth registration;

"(c) In the case of a child whose parents reside in different States, providing means of access and visitation in both States by respecting the principle that both parents have common responsibilities for the upbringing and development of their children;

"(d) Where alternative care is necessary, promoting family and community-based care in preference to placement in institutions;

"11. *Calls upon* States to take all necessary measures to prevent and combat illegal adoptions;

"12. *Also calls upon* States to take all necessary measures to address the problem of children growing up without parents, in particular orphaned children and children who are victims of family and social violence, neglect and abuse;

"13. *Calls upon* all States to address cases of international abduction of children, bearing in mind that the best interest of the child shall be the primary consideration, and encourages States to engage in multilateral and bilateral cooperation to ensure, inter alia, the return of the child to the country where he or she resided immediately before the removal or retention and, in this respect, to pay particular attention to cases of international abduction of children by a parent or by other relatives;

"Poverty

"14. *Calls upon* States and the international community to cooperate, support and participate in the global efforts for poverty eradication at the global, regional and country levels, recognizing that strengthened availability and effective allocation of resources are required at all of these levels, in order to ensure that all the internationally agreed development and poverty eradication goals, including those set out in the United Nations Millennium Declaration, are realized within their time framework, and reaffirms that investments in children and the realization of their rights are among the most effective ways to eradicate poverty;

"Health

"15. *Calls upon* all States to take all necessary measures to ensure the right of all children, without discrimination, to the enjoyment of the highest attainable standard of health and to develop sustainable health systems and social services, to ensure access to such systems and services without discrimination and to pay particular attention to adequate food and nutrition to prevent disease and malnutrition, to prenatal and post-natal health care, to the special needs of adolescents and to reproductive and sexual health;

"16. *Urges* all States to assign priority to activities and programmes aimed at preventing the abuse of narcotic drugs, psychotropic substances and inhalants as well as preventing other addictions, in particular addiction to alcohol and tobacco, among children and young people, especially those in vulnerable situations, and to counter the use of children and young people in the illicit production of and trafficking in narcotic drugs and psychotropic substances;

"17. *Calls upon* all States to give support and rehabilitation to children and their families affected by HIV/AIDS and to involve children and their caregivers, as well as the private sector, to ensure the effective prevention of HIV infections through correct information and access to voluntary and confidential care, treatment and testing, including pharmaceutical products and medical technologies, affordable to all, giving due importance to the prevention of mother-to-child transmission of the virus;

"Education

"18. *Also calls upon* all States:

"(a) To recognize the right to education on the basis of equal opportunity and non-discrimination by making primary education compulsory and available free to all children, by ensuring that all children have access to education of good quality, as well as by making secondary education generally available and accessible to all, in particular by the progressive introduction of free secondary education, bearing in mind that special measures to ensure equal access, including affirmative action, contribute to achieving equal opportunity and combating exclusion;

"(b) To design and implement programmes to provide social services and support to pregnant adolescents and adolescent mothers, in particular by enabling them to continue and complete their education;

"(c) To take all appropriate measures to prevent racism and discriminatory and xenophobic attitudes and behaviour through education, keeping in mind the important role that children play in changing those practices;

"(d) To ensure that children from an early age benefit from education programmes, materials and activities that develop respect for human rights and reflect fully the values of peace, non-violence, tolerance and gender equality;

"(e) To harness the rapidly evolving information and communication technologies to support education at an affordable cost, including open and distance education, while reducing inequality in access and quality;

"(f) To enable children, including adolescents, to exercise their right to express their views freely, according to their evolving capacity, and build self-esteem, acquire knowledge and skills, such as those for conflict resolution, decision-making and communication;

"19. *Invites* the United Nations Educational, Scientific and Cultural Organization to continue to implement its mandated role in coordinating Education for All, as a means of reaching the commitments contained in the Millennium Declaration in this regard;

"20. *Urges* States:

"(a) To take measures to protect schoolchildren from violence, injury or abuse, including sexual abuse and intimidation or maltreatment in schools, to establish complaint mechanisms that are age-appropriate and accessible to children and to undertake thorough and prompt investigations of all acts of violence and discrimination;

"(b) To take measures to eliminate the use of corporal punishment in schools;

"Freedom from violence

"21. *Calls upon* States:

"(a) To take all appropriate measures to prevent and protect children from all forms of violence, including physical, mental and sexual violence, torture, child abuse, abuse by police, other law enforcement authorities and employees and officials in detention centres or welfare institutions, including orphanages, and domestic violence;

"(b) To investigate and submit cases of torture and other forms of violence against children to the competent authorities for the purpose of prosecution and to impose appropriate disciplinary or penal sanctions against those responsible for such practices;

"22. *Calls upon* all States to end impunity for perpetrators of crimes committed against children, recognizing in this regard the contribution of the establishment of the International Criminal Court as a way to prevent violations of human rights and international humanitarian law, in particular when children are victims of serious crimes, including the crime of genocide, crimes against humanity and war crimes, and to bring perpetrators of such crimes to justice, and not to grant amnesties for these crimes;

"23. *Requests* all relevant human rights mechanisms, in particular special rapporteurs and working groups, within their mandates, to pay attention to the special situations of violence against children, reflecting their experiences in the field;

"24. *Welcomes* the oral progress report of the independent expert for the United Nations study on violence against children presented to the General Assembly at its fifty-ninth session, and invites him to report to the Assembly at its sixtieth session;

"Non-discrimination

"25. *Calls upon* States to take all the necessary legislative and other measures to ensure the rights of the child without discrimination of any kind;

"26. *Notes with concern* the large number of children, particularly girls and children belonging to minorities, who are among the victims of racism, racial discrimination, xenophobia and related intolerance, and stresses the need to incorporate special measures, in accordance with the principle of the best interests of the child and respect for his or her views, in programmes to combat racism, racial discrimination, xenophobia and related intolerance, and calls upon States to provide special support and ensure equal access to services for all children;

"The girl child

"27. *Calls upon* all States to take all necessary measures, including legal reforms where appropriate:

"(a) To ensure the full and equal enjoyment by girls of all human rights and fundamental freedoms, to take effective actions against violations of those rights and freedoms and to base programmes and policies on the rights of the child, taking into account the special situation of girls;

"(b) To eliminate all forms of discrimination against girls and all forms of violence, including female infanticide and prenatal sex selection, rape, sexual abuse and harmful traditional or customary practices, including female genital mutilation, the root causes of son preference, marriages without free and full consent of the intending spouses, early marriages and forced sterilization, by enacting and enforcing legislation and, where appropriate, formulating comprehensive, multidisciplinary and coordinated national plans, programmes or strategies protecting girls;

"Children with disabilities

"28. *Also calls upon* all States to take necessary measures to ensure the full and equal enjoyment of all human rights and fundamental freedoms by children with disabilities in both the public and the private spheres, including access to good quality education and health care and protection from violence, abuse and neglect, and to develop and, where it already exists, to enforce legislation to prohibit discrimination against them to ensure their dignity, promote their self-reliance and facilitate their active participation and integration in the community, taking into account the particularly difficult situation of children with disabilities living in poverty;

"29. *Encourages* the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities to continue to consider the issue of children with disabilities in its deliberations;

"Migrant children

"30. *Calls upon* all States to ensure, for migrant children, the enjoyment of all human rights as well as access to health care, social services and education of good quality and to ensure that migrant children, and especially those who are unaccompanied, in particular victims of violence and exploitation, receive special protection and assistance;

"Children working and/or living on the street

"31. *Also calls upon* all States to prevent violations of the rights of children working and/or living on the street, including discrimination, arbitrary detention and extrajudicial, arbitrary and summary executions, torture, all kinds of violence and exploitation, and to bring the perpetrators to justice, to adopt and implement policies for the protection, social and psychosocial rehabilitation and reintegration of these children and to adopt economic, social and educational strategies to address the problems of children working and/or living on the street;

"Refugee and internally displaced children

"32. *Further calls upon* all States to protect refugee, asylum-seeking and internally displaced children, in particular those who are unaccompanied, who are particularly exposed to risks in connection with armed conflict, such as recruitment, sexual violence and exploitation, to pay particular attention to programmes for voluntary repatriation and, wherever possible, local integration and resettlement, to give priority to family tracing and reunification and, where appropriate, to cooperate with international humanitarian and refugee organizations, including by facilitating their work;

"Child labour

"33. *Calls upon* all States to translate into concrete action their commitment to the progressive and effective elimination of child labour that is likely to be hazardous to or interfere with the child's education or to be harmful to the child's health or physical, mental, spiritual, moral or social development, to eliminate immediately the worst forms of child labour, to promote education as a key strategy in this regard, including the creation of vocational training and apprenticeship programmes and the integration of working children into the formal education system, and to examine and devise economic policies, where necessary, in cooperation with the international community, that address factors contributing to these forms of child labour;

"34. *Urges* all States that have not yet done so to consider ratifying the Convention concerning Minimum Age for Admission to Employment, 1973 (Convention No. 138) and the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (Convention No. 182) of the International Labour Organization, and calls upon States parties to those instruments to implement them fully and to comply in a timely manner with their reporting obligations;

"Children alleged to have infringed or recognized as having infringed penal law

"35. *Calls upon*:

"(a) All States, in particular States in which the death penalty has not been abolished, to comply with their obligations as assumed under relevant provisions of international human rights instruments, including, in particular, articles 37 and 40 of the Convention on the Rights of the Child and articles 6 and 14 of the International Covenant on Civil and Political Rights, keeping in mind the safeguards guaranteeing protection of the rights of those facing the death penalty and guarantees set out in Economic and Social Council resolutions 1984/50 of 25 May 1984 and 1989/64 of 24 May 1989, and calls upon those States to abolish by law, as soon as possible, the death penalty for those below the age of 18 years at the time of the commission of the offence;

"(b) All States to ensure that no child in detention is sentenced to forced labour or corporal punishment or deprived of access to and provision of health-care services, hygiene and environmental sanitation, education, basic instruction and vocational training, taking into consideration the special needs of children with disabilities in detention, in accordance with their obligations under the Convention;

"Recovery and social reintegration

"36. *Encourages* States to promote actions, including through bilateral and multilateral technical cooperation and financial assistance, for the social reintegration of children in difficult situations, considering, inter alia, views, skills and capacities that these children have developed in the conditions in which they lived and, where appropriate, with their meaningful participation;

"37. *Recognizes* that children affected by the severe impact of natural disasters must be provided with access to basic social services;

"Prevention and eradication of the sale of children, child prostitution and child pornography

"38. *Calls upon* all States:

"(a) To criminalize and effectively penalize all forms of sexual exploitation and sexual abuse of children, including within the family or for commercial purposes, child pornography and child prostitution, child sex tourism, trafficking of children, the sale of children and their organs and the use of the Internet for these purposes, and to take effective measures against the criminalization of children who are victims of exploitation;

"(b) To ensure the prosecution of offenders, whether local or foreign, by the competent national authorities, either in the country where the crime was committed, or in the country of which the offender is a national or resident, or in the country of which the victim is a national, or on any other basis permitted under domestic law in accordance with due process of law, and for these purposes, to afford one another the greatest measure of assistance in connection with investigations or criminal or extradition proceedings;

"(c) To increase cooperation at all levels to prevent and dismantle networks trafficking in children;

"(d) To consider ratifying or acceding to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;

"(e) In cases of trafficking of children, the sale of children, child prostitution and child pornography, to address effectively the needs of victims, including their safety and protection, physical and psychological recovery and full reintegration into their family and society;

"(f) To combat the existence of a market that encourages such criminal practices against children, including through the adoption, effective application and enforcement of preventive, rehabilitative and punitive measures targeting customers or individuals who sexually exploit or sexually abuse children, as well as by ensuring public awareness;

"(g) To contribute to the elimination of the sale of children, child prostitution and child pornography by adopting a holistic approach, addressing the contributing factors, including underdevelopment, poverty, economic disparities, inequitable socio-economic structures, dysfunctional families, lack of education, urban-rural migration, gender discrimination, irresponsible adult sexual behaviour, harmful traditional practices, armed conflicts and trafficking in children;

"Children affected by armed conflict

"39. *Reaffirms* the essential roles of the General Assembly, the Economic and Social Council and the Commission on Human Rights in promoting and protecting the rights and welfare of children, notes the importance of the debates held by the Security Council on children and armed conflict and its resolutions, and takes note of other recent documents on this issue and of the importance of the undertaking by the Council to give special attention to the protection, welfare and rights of children in armed conflict when taking action aimed at maintaining peace and security, including provisions for the protection of children in the mandates of peacekeeping operations, as well as the inclusion of child protection advisers in these operations;

"40. *Takes note* of the late issuance of the report of the Secretary-General on the comprehensive assessment of the United Nations system response to children affected by armed conflict, and stresses the importance of considering it as a matter of priority;

"41. *Recognizes* the inclusion in the Rome Statute of the International Criminal Court, as a war crime, of crimes involving sexual violence and crimes of conscripting or enlisting children under the age of 15 years or using them to participate actively in hostilities in both international and non-international armed conflicts;

"42. *Strongly condemns* any recruitment and use of children in armed conflicts contrary to international law and urges all States and other parties to armed conflict engaged in such practices to end them;

"43. *Recognizes* efforts by States, the United Nations system and civil society to end the recruitment and use of children in armed conflict;

"44. *Calls upon* States:

"(a) When ratifying the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, to raise the minimum age for voluntary recruitment of persons into the national armed forces from that set out in article 38, paragraph 3, of the Convention, bearing in mind that under the Convention persons under 18 years of age are entitled to special protection, and to adopt safeguards to ensure that such recruitment is not forced or coerced;

"(b) To take all feasible measures to ensure the demobilization and effective disarmament of children used in armed conflicts and to implement effective measures for their rehabilitation, physical and psychological recovery and reintegration into society, taking into account the rights and the specific needs and capacities of girls;

"(c) To take all feasible measures, as a matter of priority, to prevent recruitment and use of children by armed groups, as distinct from the armed forces of a State, including the adoption of legal measures necessary to prohibit and criminalize such practices;

"(d) To protect children affected by armed conflict, in particular from violations of international humanitarian law and human rights law and to ensure that they receive timely, effective humanitarian assistance in accordance with the Geneva Conventions and international humanitarian law;

"45. *Calls upon* the United Nations system and the international community to cooperate with States in the development of projects to build capacity, to educate and to train demobilized children who are in the process of reintegration into their own communities and society;

"Follow-up

"46. *Urges* those States that have not yet done so to complete a national action plan as soon as possible incorporating the goals agreed at the special session of the General Assembly on children, as reflected in its outcome document entitled 'A world fit for children', and to place those goals within the framework of the Convention on the Rights of the Child;

"47. *Decides*:

"(a) To request the Secretary-General to prepare an updated report on progress achieved in realizing the commitments set out in the document entitled 'A world fit for children', with a view to identifying new challenges and making recommendations on the action needed to achieve further progress, with particular focus on the contribution that the implementation of the Convention on the Rights of the Child can make to the eradication of poverty and hunger, and to submit his report to the General Assembly at its sixtieth session;

"(b) To request the Secretary-General to submit to the General Assembly at its sixtieth session a report on the rights of the child containing information on the status of the Convention and the problems addressed in the present resolution;

"(c) To request the Special Representative of the Secretary-General for Children and Armed Conflict to continue to submit to the General Assembly and the Commission on Human Rights reports containing relevant, accurate and objective information on the situation of children affected by armed conflict, taking into account the outcome document adopted by the General Assembly at its special session on children and bearing in mind existing mandates and reports of relevant bodies;

"(d) To invite the Chairman of the Committee on the Rights of the Child to present an oral report on the work of the Committee to the General Assembly at its sixtieth session;

"(e) To focus its general debate regarding the promotion of the rights of the child, in future sessions, on specific challenges, beginning with, at its sixtieth session, the contribution that the implementation of the Convention on the Rights of the Child can make to the eradication of poverty and hunger;

"(f) To continue its consideration of this question at its sixtieth session under the item entitled 'Promotion and protection of the rights of children'."

13. At its 52nd meeting, on 23 November, the Committee had before it a revised draft resolution (A/C.3/59/L.29/Rev.1), submitted by the sponsors of A/C.3/59/L.29, joined by Andorra, Armenia, Azerbaijan, Bulgaria, Burkina Faso, Cape Verde, China, Iceland, San Marino, Switzerland, the former Yugoslav Republic of Macedonia and Ukraine.

14. At the same meeting, the Committee had before it two statements of programme budget implications of revised draft resolution A/C.3/59/L.29/Rev.1, submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly (A/C.3/59/L.82 and Add.1).

15. Also at the same meeting, the representative of Brazil made a statement (see A/C.3/59/SR.52) and, on behalf of the sponsors, orally revised operative paragraph 51 (a) of the revised draft resolution by deleting the phrase "with particular focus on the contribution that the implementation of the Convention on the Rights of the Child can make to the eradication of poverty and hunger, and to submit his report to the General Assembly at its sixtieth session", which had appeared at the end of the paragraph. Subsequently, Albania, Australia, Belarus, Benin, Bolivia, Bosnia and Herzegovina, Cameroon, Canada, the Central African Republic, the Congo, Côte d'Ivoire, Grenada, Kazakhstan, Kyrgyzstan, Liechtenstein, Madagascar, Malawi, Mauritius, Mongolia, Mozambique, Namibia, Nepal, New Zealand, the Philippines, the Russian Federation, Rwanda, Serbia and Montenegro, Somalia, South Africa, Thailand, Togo, Tunisia and Zambia joined in sponsoring draft resolution A/C.3/59/L.29/Rev.1, as orally revised.

16. Also at the 52nd meeting, the representative of the United States of America introduced and orally corrected amendments (A/C.3/59/L.81) to draft resolution A/C.3/59/L.29/Rev.1, which read:

"1. Replace the second preambular paragraph with the following text:

'*Emphasizing* that, together, the Convention on the Rights of the Child as well as its Optional Protocols on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict, the International Covenant on Civil and Political Rights, the Convention concerning Minimum Age for Admission to Employment, 1973 (Convention No. 138) and the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (Convention No. 182) of the International Labour Organization and the 1951 Convention Relating to the Status of Refugees, and its 1967 Protocol contain a comprehensive set of international legal standards for the protection and well-being of children, and reaffirming that the best interests of the child shall be a primary consideration in all actions concerning children'.

"2. Replace operative paragraph 2 with the following text:

'2. *Urges* States that have not yet done so to consider as a matter of priority signing and ratifying or acceding to the Convention on the Rights of the Child and its Optional Protocols, and urges States parties to implement them fully, while stressing that the implementation of the Convention and its Optional Protocols and the achievement of the goals of the World Summit for Children and the special session of the General Assembly on children are mutually reinforcing'.

"3. Delete operative paragraph 4.

"4. Delete operative paragraph 9.

"5. Replace operative paragraph 12 (c) by the following text:

'(c) Guaranteeing the right of a child whose parents reside in different States to maintain, on a regular basis, save in exceptional circumstances, personal relations and direct contact with both parents by providing enforceable means of access and visitation in both States and by respecting the principle that both parents have common responsibilities for the upbringing and development of their children'.

"6. Insert two new subparagraphs after operative paragraph 12 (d):

'(e) Ensuring as far as possible the right of the child to know and be cared for by his or her parents, and urges all States to ensure that a child shall not be separated from his or her parents against their will, except when the competent authorities, subject to judicial review, determine, in accordance with applicable law and procedures and with the participation of all interested parties, that such separation is necessary for the best interests of the child;

'(f) Respecting the right of a child who is separated from one or both parents residing in the same State to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests; where such separation results from action initiated by a State, that State shall, upon request, provide all appropriate interested parties with the essential information concerning the whereabouts of the absent member(s) of the family, unless this information would be detrimental to the well-being of the child'.

"7. Replace operative paragraph 16 by the following text:

'16. *Calls upon* all States to address cases of international abduction of children, and encourages States to engage in multilateral and bilateral cooperation to ensure, inter alia, the return of the child to the country in which he or she resided immediately before the removal or retention and, in this respect, to pay particular attention to cases of international abduction of children by one of their parents or other relatives'.

"8. In operative paragraph 18, insert the words 'that is progressively realized' after the words 'highest attainable standard of health'.

"9. In operative paragraph 21 (a), insert the words 'appropriate forms of' before the words 'affirmative action'.

"10. Replace operative paragraph 23 (b) by the following text:

'23 (b) To take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity'.

"11. Replace operative paragraph 25 by the following text:

'25. *Calls upon* all States to end impunity for perpetrators of crimes committed against children, and takes note of the entry into force of the Rome Statute of the International Criminal Court, and notes in particular the inclusion therein, as a war crime, of conscripting or enlisting children under the age of 15 years or using them to participate actively in hostilities in both international and non-international conflicts'.

"12. In operative paragraph 38 (a), delete the words 'and calls upon those States to abolish by law, as soon as possible, the death penalty for those below the age of 18 years at the time of the commission of the offence'.

"13. In operative paragraph 41 (b), insert the words 'or if jurisdiction exists under applicable law,' after the words 'where the crime was committed'.

"14. In operative paragraph 47, add the words 'contrary to international law' at end of the paragraph.

"15. Delete operative paragraph 51 (c)."

17. At the 52nd meeting, the representative of Brazil informed the Committee that the proposed amendments could not be accepted by the sponsors of the revised draft resolution (see A/C.3/59/SR.52) and the Committee proceeded to vote on the amendments, as orally corrected.

18. The amendments proposed in paragraphs 1 to 3 and 5 to 14 of document A/C.3/59/L.81 were rejected by a recorded vote of 126 to 2, with 36 abstentions. The voting was as follows:

In favour:

Palau, United States of America.

Against:

Albania, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Belarus, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Central African Republic, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea-Bissau, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Japan, Jordan, Kazakhstan, Kenya, Kyrgyzstan, Latvia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Maldives, Mali, Malta, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Morocco, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Serbia and Montenegro, Sierra Leone, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Swaziland, Sweden, Switzerland, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela (Bolivarian Republic of), Zambia, Zimbabwe.

Abstaining:

Algeria, Angola, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Bhutan, Brunei Darussalam, Cambodia, Democratic Republic of the Congo, Gambia, India, Iraq, Israel, Jamaica, Kuwait, Lebanon, Malaysia, Mauritania, Mongolia, Oman, Pakistan, Qatar, Saint Lucia, Saudi Arabia, Singapore, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Tunisia, Uganda, United Arab Emirates, Viet Nam, Yemen.

19. The amendment proposed in paragraph 4 of document A/C.3/59/L.81 was rejected by a recorded vote of 112 to 30, with 10 abstentions. The voting was as follows:

In favour:

Algeria, Bahrain, Bangladesh, Brunei Darussalam, Djibouti, Egypt, Gambia, Ghana, India, Iran (Islamic Republic of), Japan, Kuwait, Libyan Arab Jamahiriya, Malaysia, Mauritania, Morocco, Oman, Palau, Qatar, Saudi Arabia, Senegal, Singapore, Somalia, Sri Lanka, Sudan, Syrian Arab Republic, United Arab Emirates, United States of America, Viet Nam, Yemen.

Against:

Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, Chile, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Estonia, Ethiopia, Finland, France, Georgia, Germany, Greece, Grenada, Guatemala, Hungary, Iceland, Indonesia, Ireland, Italy, Kenya, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Mali, Malta, Mauritius, Mexico,

Monaco, Mongolia, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Swaziland, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela (Bolivarian Republic of), Zambia, Zimbabwe.

Abstaining:

Bahamas, Barbados, Burundi, Democratic Republic of the Congo, Fiji, Guinea-Bissau, Iraq, Israel, Suriname, Uganda.

20. The amendment proposed in paragraph 15 of document A/C.3/59/L.81 was rejected by a recorded vote of 139 to 3, with 16 abstentions. The voting was as follows:

In favour:

Japan, Palau, United States of America

Against:

Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, Central African Republic, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea-Bissau, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Jordan, Kenya, Kuwait, Latvia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritius, Mexico, Monaco, Mongolia, Morocco, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela (Bolivarian Repuplic of), Viet Nam, Zambia, Zimbabwe.

Abstaining:

Bahamas, Bahrain, Bangladesh, Barbados, Burundi, Iraq, Lebanon, Oman, Pakistan, Qatar, Saudi Arabia, Suriname, Syrian Arab Republic, Uganda, United Arab Emirates, Yemen.

21. Before the votes on the amendments, the representative of Brazil made a statement (see A/C.3/59/SR.52).

22. Also at the 52nd meeting, the representative of Egypt, on behalf of Algeria, Bangladesh, Egypt, Malaysia, Saudi Arabia and the Sudan, introduced amendments (A/C.3/59/L.83) to draft resolution A/C.3/59/L.29/Rev.1, by which operative paragraph 9 would be replaced by the following text:

> "*Notes* the Committee's ongoing efforts to reform its working methods so as to consider reports of States parties in a timely manner".

23. The Secretary of the Committee read out a statement of programme budget implications relating to the proposed amendments (see A/C.3/59/SR.52).

24. The amendments proposed in document A/C.3/59/L.83 were rejected by a recorded vote of 97 to 38, with 22 abstentions. The voting was as follows:

In favour:

Algeria, Bahrain, Bangladesh, Brunei Darussalam, Cambodia, China, Djibouti, Egypt, India, Indonesia, Iran (Islamic Republic of), Japan, Jordan, Kenya, Kuwait, Lebanon, Libyan Arab Jamahiriya, Malaysia, Mali, Mauritania, Morocco, Niger, Oman, Pakistan, Palau, Qatar, Saudi Arabia, Senegal, Singapore, Somalia, Sri Lanka, Sudan, Syrian Arab Republic, Turkmenistan, United Arab Emirates, United States of America, Viet Nam, Yemen.

Against:

Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Chile, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Greece, Grenada, Guatemala, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malta, Mauritius, Mexico, Monaco, Mongolia, Namibia, Nauru, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Suriname, Swaziland, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela (Bolivarian Republic of), Zambia, Zimbabwe.

Abstaining:

Angola, Antigua and Barbuda, Bahamas, Barbados, Bhutan, Democratic People's Republic of Korea, Democratic Republic of the Congo, Equatorial Guinea, Gambia, Guinea-Bissau, Guyana, Iraq, Jamaica, Kyrgyzstan, Myanmar, Nepal, Nigeria, Papua New Guinea, Philippines, Russian Federation, Sierra Leone, Uganda.

25. Before the vote on the amendment, the representative of Brazil made a statement (see A/C.3/59/SR.52).

26. At its 52nd meeting, the Committee voted on operative paragraph 9 of draft resolution A/C.3/59/L.29/Rev.1, which was retained by a recorded vote of 114 to 30, with 14 abstentions. The voting was as follows:

In favour:

Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Chile, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Greece, Grenada, Guatemala, Guinea-Bissau, Hungary, Iceland, Ireland, Israel, Italy, Kenya, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malta, Mauritius, Mexico, Monaco, Mongolia, Mozambique, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Suriname, Swaziland, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela (Bolivarian Republic of), Zambia, Zimbabwe.

Against:

Bahrain, Bangladesh, Cambodia, Djibouti, Egypt, India, Indonesia, Iran (Islamic Republic of), Japan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Mauritania, Morocco, Niger, Oman, Pakistan, Palau, Qatar, Saudi Arabia, Senegal, Singapore, Sri Lanka, Sudan, Syrian Arab Republic, Turkmenistan, United Arab Emirates, United States of America, Viet Nam, Yemen.

Abstaining:

Antigua and Barbuda, Barbados, Brunei Darussalam, Democratic Republic of the Congo, Gambia, Ghana, Guyana, Iraq, Jamaica, Jordan, Malaysia, Myanmar, Sierra Leone, Uganda.

27. The representative of Brazil made a statement before the vote on operative paragraph 9 (see A/C.3/59/SR.52).

28. At the same meeting, the representative of Singapore requested a vote on operative paragraph 23 (b) and on the words "corporal punishment", which appeared in operative paragraph 38 (b) of the revised draft resolution.

29. Following a statement by the representative of Brazil (see A/C.3/59/SR.52), operative paragraph 23 (b) was retained by a recorded vote of 123 to 7, with 32 abstentions. The voting was as follows:

In favour:

Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belarus, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Haiti, Hungary, Iceland, Ireland, Italy, Japan, Jordan, Kenya,

Kuwait, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Serbia and Montenegro, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Suriname, Swaziland, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam, Zambia, Zimbabwe.

Against:

Guyana, Malaysia, Nigeria, Palau, Singapore, United Republic of Tanzania, United States of America.

Abstaining:

Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Bhutan, Botswana, Brunei Darussalam, Congo, Democratic Republic of the Congo, Gambia, Guinea-Bissau, India, Indonesia, Iran (Islamic Republic of), Iraq, Israel, Jamaica, Myanmar, Oman, Pakistan, Qatar, Republic of Korea, Saint Lucia, Saudi Arabia, Sierra Leone, Sri Lanka, Sudan, Trinidad and Tobago, Uganda, United Arab Emirates, Yemen.

30. Following a statement by the representative of Brazil (see A/C.3/59/SR.52), the words "corporal punishment" in operative paragraph 38 (b) were retained by a recorded vote of 130 to 4, with 33 abstentions. The voting was as follows:

In favour:

Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Belarus, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Haiti, Hungary, Iceland, Ireland, Israel, Italy, Japan, Jordan, Kenya, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Serbia and Montenegro, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Suriname, Swaziland, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam, Zambia, Zimbabwe.

Against:

Malaysia, Nigeria, Singapore, United Republic of Tanzania.

Abstaining:

Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Bhutan, Botswana, Brunei Darussalam, Congo, Democratic Republic of the Congo, Gambia, Guinea-Bissau, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Kuwait, Lao People's Democratic Republic, Myanmar, Oman, Pakistan, Qatar, Saint Lucia, Saudi Arabia, Sierra Leone, Sri Lanka, Sudan, Trinidad and Tobago, Uganda, United Arab Emirates, Yemen.

31. After the vote, statements in explanation of vote were made by the representatives of Barbados and the Republic of Korea; the representative of Singapore also made a statement (see A/C.3/59/SR.52).

32. Also at its 52nd meeting, the Committee adopted draft resolution A/C.3/59/L.29/Rev.1 as a whole, as orally revised, by a recorded vote of 170 to 2, with 3 abstentions (see para. 35, draft resolution II). The voting was as follows:[3]

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea-Bissau, Guyana, Haiti, Hungary, Iceland, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

[3] The delegation of Indonesia subsequently indicated that it had intended to vote in favour of the draft resolution.

Against:

Palau, United States of America.

Abstaining:

India, Indonesia, Iraq.

33. Before the adoption of the draft resolution, statements were made by the representatives of the United States of America and India; after its adoption, statements were made by the representatives of Japan, Singapore, China and Argentina (see A/C.3/59/SR.52).

C. Draft decision proposed by the Chairman

34. At its 52nd meeting, on 23 November, on the proposal of the Chairman, the Committee decided to recommend to the General Assembly that it take note of the report of the Committee on the Rights of the Child[4] (see para. 36).

[4] *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 41* and corrigendum and addendum (A/59/41 and Corr.1 and Add.1).

III. Recommendations of the Third Committee

35. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
The situation of and assistance to Palestinian children

The General Assembly,

Recalling the Convention on the Rights of the Child,[1]

Bearing in mind the conclusion by the International Court of Justice, in its advisory opinion of 9 July 2004,[2] that the Convention on the Rights of the Child is applicable within the Occupied Palestinian Territory,

Recalling the World Declaration on the Survival, Protection and Development of Children and the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s, adopted by the World Summit for Children, held in New York on 29 and 30 September 1990,[3]

Recalling also the Declaration and Plan of Action adopted by the General Assembly at its twenty-seventh special session,[4]

Recalling further the relevant provisions of the International Covenant on Economic, Social and Cultural Rights,[5]

Noting with grave concern that the Palestinian children under Israeli occupation remain deprived of many basic rights under the Convention,

Concerned about the continued grave deterioration of the situation of Palestinian children in the Occupied Palestinian Territory, including East Jerusalem, the severely detrimental impact of the continuing Israeli assaults and sieges on Palestinian cities, towns, villages and refugee camps, and the continuing dire humanitarian crisis on the safety and well-being of Palestinian children,

Concerned also about the severely detrimental impact being caused by the unlawful construction of the wall by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated regime, on the socio-economic conditions of Palestinian children and their families and on the enjoyment by Palestinian children of their right to education, to an adequate standard of living, including adequate food, clothing and housing, to health, and to be free from hunger, in accordance with the Convention on the Rights of the Child and the International Covenant on Economic, Social and Cultural Rights,

Emphasizing the importance of the safety and well-being of all children in the whole Middle East region,

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[1] Resolution 44/25, annex.
[2] See A/ES-10/273, and Corr.1.
[3] A/45/625, annex.
[4] See resolution S-27/2, annex.
[5] See resolution 2200 A (XXI), annex.

Expressing its condemnation of all acts of violence, resulting in extensive loss of human life and injuries, including among Palestinian children,

Deeply concerned about the negative consequences, including psychological consequences, of the Israeli military actions for the present and future well-being of Palestinian children,

1. *Stresses* the urgent need for Palestinian children to live a normal life free from foreign occupation, destruction and fear in their own State;

2. *Demands*, in the meanwhile, that Israel, the occupying Power, respect relevant provisions of the Convention on the Rights of the Child[1] and comply fully with the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,[6] in order to ensure the well-being and protection of Palestinian children and their families;

3. *Calls upon* the international community to provide urgently needed assistance and services in an effort to alleviate the dire humanitarian crisis being faced by Palestinian children and their families and to help in the reconstruction of relevant Palestinian institutions.

[6] United Nations, *Treaty Series*, vol. 75, No. 973.

Draft resolution II
Rights of the child

The General Assembly,

Recalling its previous resolutions on the rights of the child, the most recent of which is resolution 58/157 of 22 December 2003, as well as Commission on Human Rights resolution 2004/48 of 20 April 2004,[1]

Emphasizing that the Convention on the Rights of the Child[2] must constitute the standard in the promotion and protection of the rights of the child, and bearing in mind the importance of the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography,[3] as well as other relevant human rights instruments,

Welcoming the entry into force on 25 December 2003 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children,[4] supplementing the United Nations Convention against Transnational Organized Crime,[5]

Reaffirming the outcome documents of the special session of the General Assembly on children, entitled "A world fit for children",[6] and the commitments contained therein to promote and protect the rights of each child, every human being below the age of 18 years, including adolescents, and of all major United Nations conferences, and the integration of child rights issues into the outcome documents of all major United Nations conferences, special sessions and summits,

Welcoming the reports of the Secretary-General on the status of the Convention on the Rights of the Child[7] and on progress achieved in realizing the commitments set out in the document entitled "A world fit for children",[8]

Welcoming also the work of the Committee on the Rights of the Child in examining the progress made by States parties to the Convention in implementing the obligations undertaken in the Convention and in providing recommendations to States parties on the implementation of the Convention and, in cooperation with the Office of the United Nations High Commissioner for Human Rights, in enhancing awareness of the principles and provisions of the Convention,

Profoundly concerned that the situation of children in many parts of the world remains critical as a result of the persistence of poverty, social inequality, inadequate social and economic conditions in an increasingly globalized economic environment, pandemics, in particular HIV/AIDS, malaria and tuberculosis, environmental damage, natural disasters, armed conflict, displacement, exploitation, illiteracy, hunger, intolerance, discrimination, gender inequality, disability and

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[1] See *Official Records of the Economic and Social Council, 2004, Supplement No. 3* and corrigendum (E/2004/23 and Corr.1), chap. II, sect. A.

[2] Resolution 44/25, annex.

[3] Resolution 54/263, annexes I and II.

[4] Resolution 55/25, annex II.

[5] Resolution 55/25, annex I.

[6] Resolution S-27/2, annex.

[7] A/59/190.

[8] A/59/274.

inadequate legal protection, and convinced that urgent and effective national and international action is called for,

Underlining the need to mainstream a gender perspective in all policies and programmes relating to children,

Implementation of the Convention on the Rights of the Child and the Optional Protocols thereto on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography

1. *Reaffirms* that the general principles of, inter alia, the best interests of the child, non-discrimination, participation and survival and development provide the framework for all actions concerning children, including adolescents;

2. *Urges* States that have not yet done so to sign and ratify or accede to the Convention on the Rights of the Child[2] as a matter of priority, and urges States parties to implement it fully, while stressing that the implementation of the Convention and the achievement of the goals of the World Summit for Children and the special session of the General Assembly on children are mutually reinforcing;

3. *Expresses its concern* about the great number of reservations to the Convention, and urges States parties to withdraw reservations that are incompatible with the object and purpose of the Convention and to consider reviewing other reservations with a view to withdrawing them;

4. *Urges* States that have not yet done so to consider signing and ratifying or acceding to the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography,[3] and urges States parties to implement them fully;

5. *Urges* States parties to take all appropriate measures for the implementation of the rights recognized in the Convention by, inter alia, putting in place effective national legislation, policies and action plans and by strengthening relevant governmental structures for children, ensuring adequate and systematic training in the rights of the child for professional groups working with and for children;

6. *Encourages* States to strengthen their national statistical capacities and to use statistics disaggregated, inter alia, by age, gender and other relevant factors that may lead to disparities and other statistical indicators at the national, subregional, regional and international levels to develop and assess social policies and programmes so that economic and social resources are used efficiently and effectively for the full realization of the rights of the child;

7. *Also encourages* States to strengthen their partnership with United Nations organs, within their respective mandates, the Bretton Woods institutions and other multilateral agencies, and affirms the important role of international cooperation for the purposes of the promotion and protection of the rights of the child, in particular with regard to economic, social and cultural rights;

8. *Calls upon* States to strengthen their cooperation with the Committee on the Rights of the Child, to comply in a timely manner with their reporting obligations under the Convention and the Optional Protocols thereto, in accordance with the guidelines elaborated by the Committee, and to take into account the

recommendations made by the Committee in the implementation of the provisions of the Convention;

9. *Welcomes* the efforts of the Committee to reform its working methods so as to consider the reports of States parties in a timely manner, including its proposal to work in two chambers, as an exceptional and temporary measure, for a period of two years, in order to clear the backlog of reports, taking due account of equitable geographical distribution, urges the Committee to continue to review its working methods in order to enhance its efficiency and requests it to assess the progress made after two years, taking into account the wider context of treaty body reform;

10. *Calls upon* all States and relevant actors concerned to continue to cooperate with the special rapporteurs and special representatives of the United Nations system in the implementation of their mandates;

11. *Requests* all relevant organs of the United Nations system, the Office of the United Nations High Commissioner for Human Rights and United Nations mechanisms regularly and systematically to incorporate a strong child rights perspective as well as a gender perspective throughout all activities in the fulfilment of their mandates, as well as to ensure that their staff is trained in child protection matters, and calls upon States to cooperate closely with them;

Promoting and protecting the rights of children and non-discrimination against children, including children in particularly difficult situations

Identity, family relations and birth registration

12. *Urges* all States to intensify their efforts in order to ensure the implementation of the right of the child to birth registration, preservation of identity, including nationality, and family relations, as recognized by law, by:

(a) Providing, at minimal cost, simplified, expeditious and effective procedures for birth registration;

(b) Raising awareness at the national, regional and local levels, whenever necessary, of the importance of birth registration;

(c) Guaranteeing, to the extent consistent with each State's obligations, the right of a child whose parents reside in different States to maintain, on a regular basis, save in exceptional circumstances, personal relations and direct contact with both parents by providing means of access and visitation in both States and by respecting the principle that both parents have common responsibilities for the upbringing and development of their children;

(d) Where alternative care is necessary, promoting family and community-based care in preference to placement in institutions;

13. *Calls upon* States to take all necessary measures to prevent and combat illegal adoptions;

14. *Calls upon* all States to adopt and enforce laws and improve the implementation of policies and programmes to protect children growing up without parents and caregivers, in particular orphaned and other vulnerable children, from all forms of violence, neglect, abuse and exploitation, and to ensure their access to education, health and social services;

15. *Calls upon* States to take all necessary measures to ensure the full enjoyment of all human rights and fundamental freedoms by orphaned and other vulnerable children and to take effective measures against violations of those rights;

16. *Calls upon* all States to address cases of international abduction of children, and encourages States to engage in multilateral and bilateral cooperation so as to facilitate, inter alia, the return of the child to the country in which he or she resided immediately before the removal or retention and, in this respect, to pay particular attention to cases of international abduction of children by a parent or by other relatives;

Poverty

17. *Calls upon* States and the international community to cooperate, support and participate in the global efforts for poverty eradication at the global, regional and country levels, recognizing that strengthened availability and effective allocation of resources are required at all of these levels, in order to ensure that all the internationally agreed development and poverty eradication goals, including those set out in the United Nations Millennium Declaration,[9] are realized within their time framework, and reaffirms that investments in children and the realization of their rights are among the most effective ways to eradicate poverty;

Health

18. *Calls upon* all States to take all necessary measures to ensure the right of the child, without discrimination, to the enjoyment of the highest attainable standard of health and to develop sustainable health systems and social services, to ensure access to such systems and services without discrimination and to pay particular attention to adequate food and nutrition to prevent disease and malnutrition, to prenatal and post-natal health care, to the special needs of adolescents and to reproductive and sexual health;

19. *Urges* all States to assign priority to activities and programmes aimed at preventing the abuse of narcotic drugs, psychotropic substances and inhalants as well as preventing other addictions, in particular addiction to alcohol and tobacco, among children and young people, especially those in vulnerable situations, and to counter the use of children and young people in the illicit production of and trafficking in narcotic drugs and psychotropic substances;

20. *Calls upon* all States to give support and rehabilitation to children and their families affected by HIV/AIDS and to involve children and their caregivers, as well as the private sector, to ensure the effective prevention of HIV infections through correct information and access to voluntary and confidential care, treatment and testing, including pharmaceutical products and medical technologies, affordable to all, giving due importance to the prevention of mother-to-child transmission of the virus;

Education

21. *Also calls upon* all States:

(a) To recognize the right to education on the basis of equal opportunity and non-discrimination by making primary education compulsory and available free to

[9] See resolution 55/2.

all children, by ensuring that all children have access to education of good quality, as well as by making secondary education generally available and accessible to all, in particular by the progressive introduction of free education, bearing in mind that special measures to ensure equal access, including affirmative action, contribute to achieving equal opportunity and combating exclusion;

(b) To design and implement programmes to provide social services and support to pregnant adolescents and adolescent mothers, in particular by enabling them to continue and complete their education;

(c) To take all appropriate measures to prevent racism and discriminatory and xenophobic attitudes and behaviour through education, keeping in mind the important role that children play in changing those practices;

(d) To ensure that children from an early age benefit from education programmes, materials and activities that develop respect for human rights and reflect fully the values of peace, non-violence against oneself and others, tolerance and gender equality;

(e) To harness the rapidly evolving information and communication technologies to support education at an affordable cost, including open and distance education, while reducing inequality in access and quality;

(f) To enable children, including adolescents, to exercise their right to express their views freely, according to their evolving capacity, and build self-esteem, acquire knowledge and skills, such as those for conflict resolution, decision-making and communication, to meet the challenges of life;

22. *Invites* the United Nations Educational, Scientific and Cultural Organization to continue to implement its mandated role in coordinating Education for All, as a means of reaching the commitments contained in the Millennium Declaration in this regard;

23. *Urges* States:

(a) To take measures to protect schoolchildren from violence, injury or abuse, including sexual abuse and intimidation or maltreatment in schools, to establish complaint mechanisms that are age-appropriate and accessible to children and to undertake thorough and prompt investigations of all acts of violence and discrimination;

(b) To take measures to eliminate the use of corporal punishment in schools;

Freedom from violence

24. *Calls upon* States:

(a) To take all appropriate measures to prevent and protect children from all forms of violence, including physical, mental and sexual violence, torture, child abuse, domestic violence, abuse by police, other law enforcement authorities and employees and officials in detention centres or welfare institutions, including orphanages, and domestic violence;

(b) To investigate and submit cases of torture and other forms of violence against children to the competent authorities for the purpose of prosecution and to

impose appropriate disciplinary or penal sanctions against those responsible for such practices;

25. *Calls upon* all States to end impunity for perpetrators of crimes committed against children, recognizing in this regard the contribution of the establishment of the International Criminal Court as a way to prevent violations of human rights and international humanitarian law, in particular when children are victims of serious crimes, including the crime of genocide, crimes against humanity and war crimes, to bring perpetrators of such crimes to justice and not grant amnesties for these crimes and to strengthen international cooperation towards the goal of ending impunity;

26. *Requests* all relevant human rights mechanisms, in particular special rapporteurs and working groups, within their mandates, to pay attention to the special situations of violence against children, reflecting their experiences in the field;

27. *Invites* the independent expert for the United Nations study on violence against children to report to the General Assembly at its sixtieth session;

Non-discrimination

28. *Calls upon* all States to ensure that children are entitled to their civil, political, economic, social and cultural rights without discrimination of any kind;

29. *Notes with concern* the large number of children, particularly girls and children belonging to minorities, who are among the victims of racism, racial discrimination, xenophobia and related intolerance, stresses the need to incorporate special measures, in accordance with the principle of the best interests of the child and respect for his or her views, in programmes to combat racism, racial discrimination, xenophobia and related intolerance, and calls upon States to provide special support and ensure equal access to services for all children;

The girl child

30. *Calls upon* all States to take all necessary measures, including legal reforms where appropriate:

(a) To ensure the full and equal enjoyment by girls of all human rights and fundamental freedoms, to take effective actions against violations of those rights and freedoms and to base programmes and policies on the rights of the child, taking into account the special situation of girls;

(b) To eliminate all forms of discrimination against girls and all forms of violence, including female infanticide and prenatal sex selection, rape, sexual abuse and harmful traditional or customary practices, including female genital mutilation, the root causes of son preference, marriages without free and full consent of the intending spouses, early marriages and forced sterilization, by enacting and enforcing legislation and, where appropriate, formulating comprehensive, multidisciplinary and coordinated national plans, programmes or strategies protecting girls;

Children with disabilities

31. *Also calls upon* all States to take the necessary measures to ensure the full and equal enjoyment of all human rights and fundamental freedoms by children

with disabilities in both the public and the private spheres, including access to good quality education and health care and protection from violence, abuse and neglect, and to develop and, where it already exists, to enforce legislation to prohibit discrimination against them to ensure their dignity, promote their self-reliance and facilitate their active participation and integration in the community, taking into account the particularly difficult situation of children with disabilities living in poverty;

32. *Encourages* the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities to continue to consider the issue of children with disabilities in its deliberations;

Migrant children

33. *Calls upon* all States to ensure, for migrant children, the enjoyment of all human rights as well as access to health care, social services and education of good quality and to ensure that migrant children, and especially those who are unaccompanied, in particular victims of violence and exploitation, receive special protection and assistance;

Children working and/or living on the street

34. *Also calls upon* all States to prevent violations of the rights of children working and/or living on the street, including discrimination, arbitrary detention and extrajudicial, arbitrary and summary executions, torture, all kinds of violence and exploitation, and to bring the perpetrators to justice, to adopt and implement policies for the protection, social and psychosocial rehabilitation and reintegration of these children and to adopt economic, social and educational strategies to address the problems of children working and/or living on the street;

Refugee and internally displaced children

35. *Further calls upon* all States to protect refugee, asylum-seeking and internally displaced children, in particular those who are unaccompanied, who are particularly exposed to risks in connection with armed conflict, such as recruitment, sexual violence and exploitation, to pay particular attention to programmes for voluntary repatriation and, wherever possible, local integration and resettlement, to give priority to family tracing and reunification and, where appropriate, to cooperate with international humanitarian and refugee organizations, including by facilitating their work;

Child labour

36. *Calls upon* all States to translate into concrete action their commitment to the progressive and effective elimination of child labour that is likely to be hazardous to or interfere with the child's education or to be harmful to the child's health or physical, mental, spiritual, moral or social development, to eliminate immediately the worst forms of child labour, to promote education as a key strategy in this regard, including the creation of vocational training and apprenticeship programmes and the integration of working children into the formal education system, and to examine and devise economic policies, where necessary, in

cooperation with the international community, that address factors contributing to these forms of child labour;

37. *Urges* all States that have not yet done so to consider ratifying the Convention concerning Minimum Age for Admission to Employment, 1973 (Convention No. 138) and the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (Convention No. 182) of the International Labour Organization, and calls upon States parties to those instruments to implement them fully and to comply in a timely manner with their reporting obligations;

Children alleged to have infringed or recognized as having infringed penal law

38. *Calls upon*:

(a) All States, in particular States in which the death penalty has not been abolished, to comply with their obligations as assumed under relevant provisions of international human rights instruments, including, in particular, articles 37 and 40 of the Convention on the Rights of the Child and articles 6 and 14 of the International Covenant on Civil and Political Rights,[10] keeping in mind the safeguards guaranteeing protection of the rights of those facing the death penalty and the guarantees set out in Economic and Social Council resolutions 1984/50 of 25 May 1984 and 1989/64 of 24 May 1989, and calls upon those States to abolish by law, as soon as possible, the death penalty for those below the age of 18 years at the time of the commission of the offence;

(b) All States to ensure that no child in detention is sentenced to forced labour or corporal punishment or deprived of access to and provision of health-care services, hygiene and environmental sanitation, education, basic instruction and vocational training, taking into consideration the special needs of children with disabilities in detention, in accordance with their obligations under the Convention;

Recovery and social reintegration

39. *Encourages* States to promote actions, including through bilateral and multilateral technical cooperation and financial assistance, for the social reintegration of children in difficult situations, considering, inter alia, views, skills and capacities that these children have developed in the conditions in which they lived and, where appropriate, with their meaningful participation;

40. *Recognizes* that children affected by the severe impact of natural disasters must be provided with access to basic social services;

Prevention and eradication of the sale of children, child prostitution and child pornography

41. *Calls upon* all States:

(a) To criminalize and penalize effectively all forms of sexual exploitation and sexual abuse of children, including all acts of paedophilia, including within the family or for commercial purposes, child pornography and child prostitution, child sex tourism, trafficking of children, the sale of children and their organs and the use

[10] See resolution 2200 A (XXI), annex.

of the Internet for these purposes, and to take effective measures against the criminalization of children who are victims of exploitation;

(b) To ensure the prosecution of offenders, whether local or foreign, by the competent national authorities, either in the country in which the crime was committed, or in the country of which the offender is a national or resident, or in the country of which the victim is a national, or on any other basis permitted under domestic law in accordance with due process of law, and for these purposes, to afford one another the greatest measure of assistance in connection with investigations or criminal or extradition proceedings;

(c) To increase cooperation at all levels to prevent and dismantle networks trafficking in children;

(d) To consider ratifying or acceding to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children,[4] supplementing the United Nations Convention against Transnational Organized Crime;[5]

(e) In cases of trafficking of children, the sale of children, child prostitution and child pornography, to address effectively the needs of victims, including their safety and protection, physical and psychological recovery and full reintegration into their family and society;

(f) To combat the existence of a market that encourages such criminal practices against children, including through the adoption, effective application and enforcement of preventive, rehabilitative and punitive measures targeting customers or individuals who sexually exploit or sexually abuse children, as well as by ensuring public awareness;

(g) To contribute to the elimination of the sale of children, child prostitution and child pornography by adopting a holistic approach, addressing the contributing factors, including underdevelopment, poverty, economic disparities, inequitable socio-economic structures, dysfunctional families, lack of education, urban-rural migration, gender discrimination, irresponsible adult sexual behaviour, harmful traditional practices, armed conflicts and trafficking in children;

Children affected by armed conflict

42. *Reaffirms* the essential roles of the General Assembly, the Economic and Social Council and the Commission on Human Rights in promoting and protecting the rights and welfare of children, notes the importance of the debates held by the Security Council on children and armed conflict and its resolutions,[11] and takes note of other recent documents on this issue[12] and of the importance of the undertaking by the Council to give special attention to the protection, welfare and rights of children in armed conflict when taking action aimed at maintaining peace and security, including provisions for the protection of children in the mandates of peacekeeping operations, as well as the inclusion of child protection advisers in these operations;

[11] Resolutions 1379 (2001) of 20 November 2001, 1460 (2003) of 30 January 2003 and 1539 (2004) of 22 April 2004.

[12] A/58/546-S/2003/1053, A/58/546/Corr.1-S/2003/1053/Corr.1, A/58/546/Corr.2-S/2003/1053/Corr.2 and A/59/184-S/2004/602.

43. *Takes note* of the report of the Secretary-General on the comprehensive assessment of the United Nations system response to children affected by armed conflict;[13]

44. *Also takes note* of the report of the Special Representative of the Secretary-General for Children and Armed Conflict;[14]

45. *Recognizes* the inclusion in the Rome Statute of the International Criminal Court,[15] as a war crime, of crimes involving sexual violence and crimes of conscripting or enlisting children under the age of 15 years or using them to participate actively in hostilities in both international and non-international armed conflicts;

46. *Strongly condemns* any recruitment and use of children in armed conflicts contrary to international law and urges all States and other parties to armed conflict that are engaged in such practices to end them;

47. *Recognizes* the efforts of States, the United Nations system and civil society to end the recruitment and use of children in armed conflict;

48. *Calls upon* States:

(a) When ratifying the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict,[16] to raise the minimum age for voluntary recruitment of persons into the national armed forces from that set out in article 38, paragraph 3, of the Convention, bearing in mind that under the Convention persons under 18 years of age are entitled to special protection, and to adopt safeguards to ensure that such recruitment is not forced or coerced;

(b) To take all feasible measures to ensure the demobilization and effective disarmament of children used in armed conflicts and to implement effective measures for their rehabilitation, physical and psychological recovery and reintegration into society, taking into account the rights and the specific needs and capacities of girls;

(c) To take all feasible measures, as a matter of priority, to prevent recruitment and use of children by armed groups, as distinct from the armed forces of a State, including the adoption of legal measures necessary to prohibit and criminalize such practices;

(d) To protect children affected by armed conflict, in particular from violations of international humanitarian law and human rights law and to ensure that they receive timely, effective humanitarian assistance in accordance with the Geneva Conventions and international humanitarian law;

49. *Calls upon* the United Nations system and the international community to cooperate with States in the development of projects to build capacity and to educate and train demobilized children in order to reintegrate them into society;

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[13] A/59/331.

[14] A/59/426.

[15] *Official Records of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, Rome, 15 June-17 July 1998*, vol. I: *Final documents* (United Nations publication, Sales No. E.02.I.5), sect. A.

[16] Resolution 54/263, annex I.

Follow-up

50. *Urges* those States that have not yet done so to complete as soon as possible a national action plan incorporating the goals agreed at the special session of the General Assembly on children, as reflected in its outcome document entitled "A world fit for children",[6] and to place those goals within the framework of the Convention on the Rights of the Child;

51. *Decides*:

(a) To request the Secretary-General to prepare an updated report on the progress achieved in realizing the commitments set out in the document entitled "A world fit for children", with a view to identifying new challenges and making recommendations on the action needed to achieve further progress;

(b) To request the Secretary-General to submit to the General Assembly at its sixtieth session a report on the rights of the child, containing information on the status of the Convention and the issues addressed in the present resolution;

(c) To request the Special Representative of the Secretary-General for Children and Armed Conflict to continue to submit reports to the General Assembly and the Commission on Human Rights and to ensure that they contain relevant, accurate and objective information on the situation of children affected by armed conflict, taking into account the views of Member States and the outcome document adopted by the General Assembly at its special session on children and bearing in mind existing mandates and reports of relevant bodies;

(d) To invite the Chairman of the Committee on the Rights of the Child to present an oral report on the work of the Committee to the General Assembly at its sixtieth session;

(e) To focus its general debate regarding the promotion of the rights of the child, at future sessions, on specific challenges, beginning with, at its sixtieth session, the contribution that the implementation of the Convention on the Rights of the Child can make to the eradication of poverty and hunger;

(f) To continue its consideration of this question at its sixtieth session under the item entitled "Promotion and protection of the rights of children".

36. The Third Committee also recommends to the General Assembly the adoption of the following draft decision:

Report of the Committee on the Rights of the Child

The General Assembly takes note of the report of the Committee on the Rights of the Child covering its activities at its thirtieth to thirty-fifth sessions.[1]

[1] *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 41* and corrigendum and addendum (A/59/41 and Corr.1 and Add.1).